

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE, INDIANA 47305



JULY 10, 2023

REGULAR MEETING: 7:00 P.M., 1st Floor City Hall Auditorium.

PLEDGE OF ALLEGIANCE: Led by Brad Marshall.

INVOCATION: Given by Jeff Green.

ROLL CALL:	PRESENT	ABSENT
Aaron Clark	X	
Ro Selvey	X	
Troy Ingram	X	
Jeff Green	X	
Jeff Robinson	X	
Brandon Garrett	X	
Brad Marshall	X	
Jerry Dishman	X	
Roger Overbey	X	

APPROVAL OF THE MINUTES: A motion was made by Ingram and seconded by Overbey to Approve the Minutes from June 5, 2023. A roll call vote showed 9 yeas. MINUTES APPROVED.

COMMITTEE REPORTS: Councilman Clark provides an update from the Tax Abatement Committee and the following entities have filed a compliance with the statement of benefits, real estate improvements (the CF-1 annual report that those seeking tax abatement have to keep with yearly). Trilogy Heath Services, Cardinal Square, Claumet Paralogics, Fourteen91 Lofts, Lofts at Roberts LLC, and Cardinal Housing LLC have each reported substantial compliance and is entitled to its respective abatement.

President Robinson has a committee report on behalf of the Finance Committee, of which all nine (9) members of the Council are a part of. It is July and that is when the City Administration starts to prepare the budget in meeting with department heads. He would like to appoint three (3) councilmembers to act as liaisons to the Administration during that budget process and that the Administration as well as the Controller (whom he thanks for being here this evening) collaborate with the three councilmembers. Robinson then appoints Councilman Aaron Clark, Councilwoman Ro Selvey and Councilman Roger Overbey to be those three liaisons. The State Statute requires the department head meetings take place during that budget process and whether that is done by the three of them together or whether they decide to divide and conquer is completely up to them. He asks Councilman Clark to lead that process. Clark confirms. Robinson encourages if there are any questions to let him know and he intends on sending the Controller and Mayor an email tomorrow that the councilmembers will be cc'd on to help get that process officially started.

APPOINTMENTS TO BOARD AND COMMISSIONS:**MUNCIE LAND BANK**

President Robinson states there are three (3) appointments to be made this month. He forwarded the other councilmembers a letter of interest as far as an accompanying email from the Executive Director of the Muncie Land Bank on behalf of Rebekah Hanna. A motion was made by Robinson and seconded by Garrett to nominate Rebekah Hanna to the Muncie Land Bank. No further nominations. An all-in-favor vote showed 9 yeas. MOTION CARRIED. Rebekah Hanna is declared appointed to the Muncie Land Bank.

MITs

Robinson also forwarded the Council several emails today concerning the appointment to the MITs Board. One letter of interest from Mike White who has been serving in that capacity since 2015 and is the current Board Chair at MITs. With that, he declares nominations open. A motion was made by Garrett and seconded by Clark to reappoint Mike White to the MITs Board. No further nominations. An all-in-favor vote showed 9 yeas. MOTION CARRIED. Mike White is declared reappointed to the MITs Board.

ETHICS ADVISORY COMMITTEE

Robinson recalls making several appointments to the Ethics Advisory Committee last month, eight (8) to be exact with one (1) appointment still to be made of one (1) certified public accountant. He did not receive any letters of interest and last month they talked about reaching out within their networks so he is happy to entertain any nominations. No nominations made. Robinson informs they will try again next month. If it pleases the Council, Robinson would like the Ethics Advisory Committee to start their work. He plans to email each member to get the first meeting established. He notes the members might not even know each other. If the Council obliges, he would like to send out that email (likely doodle poll) to find out the best time for them all to hold their first meeting and at that meeting, they can select officers and take it from there.

Councilwoman Selvey suggests they wait until the entire board is appointed (referring to the vacant certified public accountant affiliation) just to be fair. President Robinson thinks the first meeting would be just an introductory meeting to hopefully start a consistent meeting schedule moving forward. They are hopeful to find a certified public accountant to serve on this committee by next month but he certainly does not want to delay this any further.

Councilman Clark agrees that as long as they have a quorum then it is their right to move forward. Robinson states if a majority of the Council objects then he will wait as he serves at the will of the Council. If majority thinks he should wait then he is happy to do so. No further objections. An all-in-favor vote showed 9 yeas allowing President Robinson to send an email to the Ethics Advisory Committee to get a first meeting scheduled to allow them to select officers and begin work. MOTION CARRIED. Robinson concludes he will follow up with a report next month if their first meeting occurs before the next Council meeting.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 8-23 BEING AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-3 RESIDENCE ZONE TO THE BV VARIETY BUSINESS ZONE ON PREMISES LOCATED AT 1301 W. SYLVAN CRT., MUNCIE, INDIANA.

A motion was made by Selvey and seconded by Green to Adopt. Kathy Vannice, Ashton Land Surveyor, is present to answer any questions. Questions called. An all-in-favor vote showed 9 yeas. ADOPTED.

ORD. 9-23 AN ORDINANCE TO AMEND ORDINANCE NO. 27-22 VACATING A PORTION OF 5TH STREET (aka ANTHONY ST.) IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. A motion was made by Garrett and seconded by Selvey to Adopt. Questions called. An all-in-favor vote showed 9 yeas. ADOPTED.

ORD. 10-23 AN ORDINANCE AMENDING ORDINANCE NO. 44-22 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA, INCLUDED HEREIN FOR THE YEAR 2023.

A motion was made by Ingram and seconded by Green to Adopt.

Craig Wright, City Controller, accompanied by Troy Watters, Beech Grove Cemetery Superintendent, explains it was brought to their attention that the Beech Grove personnel listing includes Heavy Equipment Operator. The Street Department and Parks Department also have this position but it is listed as 'Heavy Equipment Operator A' and 'Heavy Equipment Operator B'. That allows some flexibility on pay structures. This just adds the same format to the Beech Grove listing to bring them up in line with the other City Departments. He made sure to mention they will not be asking for any additional appropriation.

Troy Watters, Beech Grove Superintendent, adds that the duties between 'A' and 'B' are different as well. The 'B' is more of a back-up operator but their employee out at Beech Grove does basically everything. Questions called. An all-in-favor vote showed 9 yeas. ADOPTED.

ORD. 11-23 AN ORDINANCE DECLARING AN ECONOMIC DEVELOPMENT TARGET AREA FOR GREATER MUNCIE INDIANA HABITAT FOR HUMANITY, INC. (1413 W. 10th ST.)

A motion was made by Green and seconded by Garrett to Adopt.

Ryan Payunk, Homeowners Services Manager at Muncie Habitat for Humanity, introduces Peggy Gregory, one of their new partner families and the one who will be purchasing this property. He made note that they usually like to be here when the ordinances are being introduced but it just didn't work out last month. Therefore, they just wanted to come tonight and say thank you to the Council and City for the continuing opportunity for these ordinances. They hope they are helping to both set up the families for their affordable housing (which is Habitat's mission) as well as helping to reestablish the tax base of these properties they are building new buildings on.

Peggy Gregory just wants to say thank you for the opportunity. She extends a hand out to the Habitat for Humanity group and how awesome they are. The volunteers are older than her and are happily out there doing this work. Robinson and the rest of Council congratulate her and express Habitat is a wonderful asset to this community having done so many houses. Regarding these type of ordinances, they do not ever require much conversation because it is great work and they know it is doing the right thing.

Councilwoman Selvey requests she tell them a little bit about her family. Peggy explains she is raising two grandsons and has a granddaughter with two great grandsons. They are going to be with her and they are all just so excited. They can't wait. They drive by the location all the time just to see the progress. Questions called. An all-in-favor vote showed 9 yeas. ADOPTED.

RESOLUTIONS:**RES. 9-23 A RESOLUTION TO NAME THE PRAIRIE CREEK EDUCATION CENTER TO THE COOK FAMILY EDUCATION CENTER.**

A motion was made by Marshall and seconded by Ingram to Adopt.

Dustin Clark, Prairie Creek Director, provides a letter of support to the Council explaining how much this means to him and the people that know what the Cook Family has done for the City of Muncie, specifically Mr. Eldon Cook or otherwise known as “Junior.” The letter is in support and sponsorship of naming the Education Center at the Prairie Creek Offices in honor of the Cook Family. This reflects nearly 75 years of service this family has dedicated to the City and Parks. This has been fully supported by the Mayor, Prairie Creek leadership and received a unanimous vote at the Park Board meeting. Elden Max Cook Sr. (the original “Cookie”) started his employment in 1979 and did a phenomenal job. D. Clark recalls a few incidences to be able to hear him over the phone or watch Junior check on him therefore it was important they get some recognition knowing that he was a wealth of information serving 29 years helping lead Prairie Creek where it is today. In 1986, he was honored by given keys to the City for his life saving actions that saved lives out at Prairie Creek. It is somewhat amazing. For 43 years, Elden Cook Sr. helped give advice and direct Prairie Creek. And, it's not just him... Mrs. Betty Cook served 11 years having a wonderful heart and making everyone feel welcome, happy and comfortable. She also took in numerous animals that found their way up to the Cook family residence. D. Clark then introduced Junior Cook elaborating how he has such a passion for the outdoors and wildlife as well as keeping Prairie Creek beautiful. He does everything from cleaning bathrooms, picking up trash to painting, carpentry, electric work; there is nothing that this man hasn't done after putting in a 10 to 15 hour day. He will still come out to work, coming in early and staying late. That observes to be recognized. In fact, Brian Myrick from Ironman was up on national stage and it was brought up that Muncie was voted top in the nation for customer satisfaction. Gavin Casey was asking a question about it and Mr. Myrick responded, “as long as Junior is out there let's just leave it on autopilot and he'll take care of it. We're going to come in and run the race and Junior is going to help with the park.” So, he was mentioned on the national stage and is literally nationally known. Their family has just been instrumental and Junior has been great help out in new office. He does so much and this is a small honorarium that he and his family deserve after 75 years of service to that Park in this community.

Junior Cook thanks everybody for even considering this. He thanks D. Clark for bringing it up and Mayor Ridenour for everything he has done for Prairie Creek. It has really grown big because of Dustin Clark and Mayor Ridenour and he is happy to be a part of it.

Councilman Garrett had the privilege to know Eldon Sr. and states his father worked with him as well as Cookie and a young Garrett had the privilege to work with him putting in piers out at the reservoir. They would all carry a pier list around as there were 300 and some piers (before the new piers were installed). Cookie would know the way everybody wanted his or her pier off memory. Knowing what pitch, what angle to go, how far they wanted out, how many deck boards, all that. He is just an asset to this City. He was able to see firsthand how hard he and his dad worked out there. Next to the Bonham's, the Cook name deserves to be right up there as well.

President Robinson thanks Junior for not only his service but also the service from his family to Prairie Creek. It is amazing. A roll call vote showed 9 yeas and 0 nays. **ADOPTED.**

OTHER BUSINESS:

Rick Yencer, newsman and author, has a couple things come to mind when people ask him why we're not seeing a lot of streets paved right now. He asked and found out that the City (like the County) are holding back a million apiece to get Crossroads money from the state. That's all good and well, but, a lot of people would like to remind the Council that there is Road & Street money, motor vehicle money, and that infamous wheel tax that was supposed to be just a year or two and after 20 years it's still on all our license and registrations. He thinks when the Council reviews and approves the budget, they need to specify and have the Administration specify what roads and streets because it has been a back and forth over the last few years on what is going to be done. He cannot tell you how many people say that our streets are worse than any other city around here. The other thing he wanted to mention is a more personal matter involving race and gender. It came to his attention the other day that the City fired a woman of color in the Building Commissioner's Office after she was accused of insubordination but the problem was she had already filed a complaint with the federal government over sexual harassment and racial discrimination and that action alone represents retaliation, given it now is headed towards mediation. He thought government was supposed to be inclusive, diverse and equal and if that is the conduct that this government has taken the people, whether it is race, gender or other factors, that does not make any of them look very good. He hopes the Council follows up to see what is going on in the Administration. President Robinson thanks him and points out a point of clarification that this Council does not have any involvement in Personnel matters. He was not aware and mentions that being something they don't really hear about.

Wayne Scaife recalls being at last months meeting providing numbers on the hiring practice for the fire department as of January 1, 2020 and would like to make a correction. He said out of 36 people that were hired, four (4) of them were black males and stand corrected. That number equaled about 11%. It was actually 34 hired, and two (2) black males. That takes it down to less than 6% since January 1, 2020. He informed he would be back with numbers for the police department and has that data. As of January 1, 2020, the Muncie Police Department hired 45 people, two (2) black males, one (1) black female and eight (8) white females. Therefore, they hired almost three times as many white females as black females and black males together. Last time he was here someone asked if they were even applying. Throughout the years, many black people have applied for the Muncie Police and Fire Departments and they are not getting hired so a lot of them just gave up. He knows two (2) black males that were not hired by the Muncie Police Department but went over and were hired by Marion. To piggyback on the back of Rick Yencer's comments, there is a problem in Muncie with race and hiring practices. In looking at the people on Council, he sees no one of his skin color sitting up there and that is a problem. There are black people in this City that need to be heard but boards and appointments are appointing the same black people and it's getting ridiculous. It is as if the black people being nominated to these boards are the "yes men, we know they won't go for us so we are going to nominate them. Oh, they are already on three boards? Put them on anyway." Instead of getting new people... Again, ridiculous. Moving on to his next topic having to do with the Park Board, he is glad that Brad Marshal is here now as he is the Park Board President. In City Code Sec. 95.10 (supplying copies to some of the councilmembers) it states, "No military, civic, or other company shall be permitted to parade, drill, or perform within any park any military evolutions or movements without the consent of the Superintendent of Parks." Now, the part Mr. Scaife addressed to the Park Board is where it says, "No public meetings or public discussion of any subject, religious, social, political, or other shall be held within the limits of any public park without the consent of the Superintendent of Parks." The reason he is addressing this to the Council is that when he took it to the Park Board, they provided what he believes to be a bogus answer. There were three (3) men at the Park Board meeting that stated they wanted to conduct a public meeting

in the park, exactly how the ordinance describes. Yet, they were drilled by the Park Board about security and Mr. Scaife doesn't know why. He asked the Park Board President and explained the ordinance says, "With the consent of the Superintendent of Parks" so why does he have to go before the Park Board? The bogus answer they provided was that the Board is considered above the Superintendent. However, that is not what the City Code states. The City Code says the Superintendent of Parks. Again, asking why those gentlemen had to come before the Park Board to get this approved. In going further down City Code Sec. 95.11 states "with the written permission of the Park Board" within the last line. So, there is an ordinance on here that says you have to go to the Park Board. That makes him question why the City ordinance says you have to get approval of the Superintendent to conduct a meeting in the park. Why does that person have to go to the Park Board when the City ordinance states that? Is that violating City ordinance by them doing that? Can the Council provide an answer? There is also the mention of intoxicating beverages so questions if he would be allowed even though the ordinance states he cannot?

Councilman Marshall refers to what he said during the Parks Board meeting. The men were filing for an event approval and event approvals come before the Park Board. It wasn't a parade, a drill, a major discussion. It was an event. Mr. Scaife responds no, they specifically said they're having a public meeting. The members of the Parks Board asked them what topics are going to be discussed at this public meeting and were informed socialism, LGBTQ, and climate change. He was there and knows it was a public meeting and the ordinance says, "no public meetings or public discussions" and it says right here the Superintendent of Parks so if that's what they were doing, why do they have to go to the Park Board? He will leave that with them to ponder on. President Robinson does not have an answer to that but the Park Board is wholly appointed by the Mayor and this Council really doesn't have any dealings aside from passing the ordinance. Mr. Scaife states it is not a Park Board issue since it is a City ordinance and that makes it a City Council issue. Robinson responds the City Judge enforces these ordinances so he is correct in there being some layers but honestly, he cannot answer his questions if he does not know the answers. Mr. Scaife asks them to agree that this ordinance says it has to be approved by the Superintendent of Parks and not by the Parks Board. Robinson states there is no question that is what it says. Councilman Ingram asks if Mr. Scaife is asking the Council to make an amendment to that. Mr. Scaife replies no, he doesn't want them to change anything. He just asked in relation to the Park Board why these people have to come to the meeting to get approval to conduct a meeting in the park when the ordinance says it has to be approved by the Superintendent. If they want to change it then do so but if not then that is fine too. He is just saying he might want to conduct a meeting in the park one day but he will go to the Superintendent and follow the City ordinance (because he follows the law).

Troy Watters refers to the Ethics Committee getting started on their work and asks if it is possible to have somebody from that Committee here every Council meeting that way the community and Council can report to them. It will allow everybody to hear the report. President Robinson advises that will be up to the Committee to decide. Mr. Watters says it was just a suggestion. Another thing he wanted to bring up... a post was made on Facebook on Memorial Day about the reservoir not having trash cans. Every photo shared was not in the public parts of Prairie Creek. It was back where they have been unwrapping all the new piers and the plastic and trash that could be seen in the photos was leftover. The wood there is what he would refer to as a spoil pile, and he can confirm because he has seen this area in person. The pictures posted and comments making the reservoir sound so bad was not located in the campground or any recreation area. It was behind a row of trees across from the maintenance barn. Facebook gets many things misconstrued. In his opinion, the reservoir looks great. He and his wife took a late night drive around the reservoir here recently and they thought it was cool to see people out on their golf carts and

enjoying the summer weather. To him, it is getting back to what it was years and years ago. Back to the topic of Facebook, there is a parody page of the City of Muncie official page that has been posting things. It supposed to be a joke page and they make light of many different things the City shares and posts. Well, Beech Grove Cemetery had a retirement cookout for one of their employees that has been there for 44 years (closer to 50 because he started working when he was 15) and the Department had a rock engraved and dedicated to him in the area he normally mowed. The people behind the parody page took the original photo of the retired employee and the Mayor with the rock and edited the engraved text to say something else. Mr. Watters does not know if there is anything legal that can be done about these groups putting up false stuff. He knows some of it is funny but when it is criticizing an employee that has worked his tail off for all these years, it just doesn't look good.

Councilwoman Selvey saw the post and was so excited for his retirement. She just wished the Council would have gotten an invitation. Mr. Watters claims it is his fault because he has been so busy that he forgot to invite a lot of people, some of their own Board members in fact. The Beech Grove Office Manager has been on sick leave and it has just been crazy lately so he will take the blame on that. It was not intentional. She adds she is sure every one of them would have loved to be there.

Audie Barber has a bunch to cover. First mentioning Councilwoman Selvey being chastised last month by another councilperson for appointing Alan Wilson to the Ethics Advisory Committee and questions if he was confirmed licensed to practice law in the state of Indiana. Attorney Brandon Murphy informs he is not presently an active attorney. However, it is possible for him to have a pro bono publico license, which is being worked on currently. If he is able to obtain that within the next couple of weeks then he will serve. If not, Attorney Murphy will report to Council and they will make another nomination. Mr. Barber thanks him and moves on to his second topic which were the list of abatements Councilman Clark named earlier under Committee Reports. Clark assures he will email him that list. Mr. Barber noticed the Mayor not being in attendance tonight although notes there are a couple Department Heads here. He suggests adopting an ordinance to get the Mayor to come for questions and answers with the Council. Moving on to Madison Street, so far spending close to \$80,000 according to his figures and that street is still not going to be right. It was supposed to be closed for a couple days but it has been 3-4 weeks and it is closed again today. It is going to fall apart again so we are going to end up having to spend another \$100,000 to have it done correctly because it was not done correctly in the first place. He doesn't know whose bright idea it was to take over State Road 32 but that is another 6.4 miles, most of it a 4-lane highway. We do not have the money to fix McGalliard right now and are waiting on money from the federal government. Now, we have SR 32 and in a few years going to get \$3.5 million (unsure if it is a one-time thing or yearly). Then, when it needs paved, it is going to cost \$7 million, which is the same as McGalliard. Again, we do not have the money to pave McGalliard. This is not a very good idea. Wheeling has been tore up for the last 30 days, first telling us it will be closed a couple days but it has been almost a month. That job is going to cost more than \$150,000 so it should have been bided out to a professional paving company but was not. Mr. Barber knows the Council cannot do anything about it but there is only one place for people to address these things during evening time and that's at the Council meeting. Mr. Barber then refers to Workman's Bar having had nothing done to it since the announcement three months ago. Southway Plaza on Madison Street still looks like a war zone. Nothing is getting done in this town. We need to cut budgets or do something to make these people accountable for the work they are not doing. It is just in bad shape. Lastly, there is a fence at the old Chevy plant with an open gate and he brought it up to Council about 3 months ago. That gate is still open. It is a 16 ft. gate and last he heard they were supposed to be getting it fixed. It being open allows kids to walk right in there and play in that

lead-based ground and they can go in there anytime they want! There is nothing to stop them! Development cannot occur on this site because of the lead contamination. Why do we still allow kids to be able to access that knowing that it was reported three months ago? Once again, he exclaims "Mayor, get off your ass and do something." President Robinson calls point of order stating this is a professional environment and they need to use professional language. Councilman Garrett mentions he spoke to the Mayor after the meeting when Mr. Barber first brought the open gate to their attention. The Mayor told Garrett that it would be put up within the month and that was two months ago. However, Garrett notes he did make a personal phone call to the Mayor. Mr. Barber claims he made a personal plea with him too just now to do something about it because once a kid gets in there and gets sick, it is over with.

ADJOURNED:

A motion was made by Ingram and seconded by Overbey to Adjourn. A vote by acclamation showed 8 yeas, 1 nay (Robinson). ADJOURNED.



Jeff Robinson, President of the
Muncie Common Council

Belinda Munson, Muncie City Clerk
of the Muncie Common Council